

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Swartz *et al.*

Appl. No. *To be Assigned*
(*Divisional of Appl. No. 09/023,710;*
Filed February 14, 1998)

Filed: Herewith

For: **Susceptor-based Polymeric
Material**

Confirmation No.: *To be Assigned*

Art Unit: *To be Assigned*

Examiner: *To be Assigned*

Atty. Docket: 1128.2810002/TGD/RJS

Preliminary Amendment

Commissioner for Patents
Washington, D.C. 20231

Sir:

It is respectfully requested that this Preliminary Amendment be entered prior to examination of the application. This Preliminary Amendment is provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments (37 C.F.R. § 1.111 and MPEP 714); and
- (C) Starting on a separate page, a marked-up version entitled: "Version with markings to show changes made."

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent

abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

Amendments

In the Specification:

Please substitute the following paragraph for the first full paragraph on page 3:

The material, when softened, is sufficiently malleable to conform to a molding impression provided by a human body part (e.g., hand, knee, foot) or other complex curvature object and to take a permanent set conforming to such curvature as the material cools.

In the Claims:

Please cancel claims 1-26 without prejudice to or disclaimer of the subject matter contained therein.

Please add the following new claims 27-52:

27. A moldable article for conforming to a complex curvature object, comprising:
 - an object including a thermo-malleable material; and
 - a plurality of susceptors impregnated in said thermo-malleable material, wherein said susceptors are capable of converting energy into heat.
28. The article of claim 27, wherein said thermo-malleable material is a liquid thermo-malleable polymer.
29. The article of claim 28, wherein said liquid thermo-malleable polymer is liquid ethylene-vinyl acetate.
30. The article of claim 27, wherein said susceptors are chosen from the group comprising metals and metal oxides.
31. The article of claim 27, wherein said susceptors are tin oxides.
32. The article of claim 27, wherein said object is a racket handle.
33. The article of claim 27, wherein said object is a helmet.

34. The article of claim 27, wherein said object is a grip.
35. The article of claim 27, wherein said object is a bandage.
36. The article of claim 27, wherein said object is body padding.
37. The article of claim 27, wherein said object is a glove.
38. The article of claim 27, wherein said object is a sock.
39. The article of claim 27, wherein said object is a mouthguard.
40. The article of claim 27, wherein said object is a seat.
41. The article of claim 27, wherein said object is selected from the group consisting of elbow pads, knee pads, shoulder pads, arm pads and wrist pads.
42. The article of claim 27, wherein said object is a mask.
43. The article of claim 27, wherein said object is an athletic supporter cup.
44. The article of claim 27, wherein said object is a sports bra.

45. The article of claim 27, wherein said object is an ear pad.
46. The article of claim 27, wherein said object is a nose pad.
47. The article of claim 27, wherein said object is a watch band.
48. The article of claim 27, wherein said object is a cap brim.
49. The article of claim 27, wherein said object is a cast.
50. The article of claim 27, wherein said object is a footbed.
51. The article of claim 50, wherein said footbed is a foot pad.
52. The article of claim 50, wherein said footbed is an insole.

Remarks

Upon entry of this amendment, claims 27-52 are pending in the application, with claim 27 being the sole independent claim. Applicants respectfully request that the Examiner give favorable consideration to the claims of the present application. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Preliminary Amendment is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Ryan J. Stamper
Attorney for Applicants
Registration No. 45,802

Date: 12/21/01

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Version with markings to show changes made

In the Specification:

Please substitute the following paragraph for the first full paragraph on page 3:

The material, when softened, is sufficiently malleable to conform to a molding impression provided by a human body part (e.g., hand, knee, foot) or other complex curvature object and to take a permanent set conforming to such curvature as the material [coils] cools.